

## **REMARKS**

Applicants reply to the Office Action mailed December 10, 2007 ("Office Action"). Claims 1-49 are pending in the application and have all been rejected. Applicants amend claims 14 and 23-49 for clarity and not for reasons of patentability. After entry of this Amendment, claims 1-49 are pending.

### **Claim Objections**

Claims 28 and 34 are objected to for including inadvertent materials, which have been removed by amendment. Therefore, Applicants respectfully request that the claim objections against claims 28 and 34 be withdrawn.

### **Claim Rejections under 35 U.S.C. §101**

Claims 23-49 are rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 23-44 have been amended to recite computer readable media, which is statutory subject matter under 35 U.S.C. §101. See MPEP § 2106.1 As for claims 45-49, Applicants respectfully submit that the claims as originally filed recite a "system" comprising various means and components and therefore recite statutory subject matter. With this Amendment, however, Applicants have amended claims 45 and 46 for clarity and not for purposes of patentability. Applicants respectfully request that the 35 U.S.C. §101 rejection of claims 23-49 be withdrawn.

### **Claim Rejections under 35 U.S.C. §112**

Claims 14 and 36 are rejected under 35 U.S.C. §112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants

regard as the invention. Claims 14 and 36 have been amended to more particularly point out and distinctly claim the subject matter which the Applicants regard as the invention. Therefore, Applicants respectfully request that the 35 U.S.C. §112 rejection for indefiniteness against claims 14 and 36 be withdrawn.

### **Claim Rejections Under 35 U.S.C. § 102**

The Examiner rejected claims 1-6, 8-18, 20-28, 30-40, and 42-49 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2002/0092004 A1 ("Lee"). Applicants respectfully traverse the rejection.

Claim 1 recites "translating data within a server into a data format required by a client using the translation code, transmitting the translated data from the server to the client; transmitting a change of the data format from the client to the server in a data object definition message; and automatically adapting the translation code to the changed data format upon receipt of the data object definition message." To establish a proper 102 rejection under MPEP § 2131, each element of the claim must be disclosed expressly or inherently within the prior art. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Lee fails to disclose each and every element of claim 1.

Lee is directed to a system and method for building multi-tiered software applications. Lee at para. (0007), lines 1-2, [0007:1-2]. Lee discloses "a design application that guides a designer through a system design process, a generator application that generates and customizes a software solution tailored to the system

design and an installation application that modularizes and automates the installation and configuration of the generated software.” *Id.*, 0007:4-9. The design program uses a graphic user interface to prompt “the designer for elements of the system design and stores those elements as a design database file which is stored in the design database.” *Id.*, 0035:6-8. The design database file is then reformatted as an extensible markup language (XML) meta document and sent to a generator program. *Id.*, 0036:1-4.

The Examiner appears to equate reformatting the design database file into an XML document, as taught in Lee, with translating data within a server into a data format required by a client using the translation code as recited in claim 1. Office Action, page 4. The generator program of Lee “performs a series of validation routines on the XML meta document to ensure that the data contained therein comports with the system requirements of the software development tool. If the system design data passes the validation routines, the generator program creates a validated design database file and a system installation program, which, in a preferred embodiment, is then sent to the production user computer.” *Id.*, 0039:2-9. Thus, Lee validates that a document comports with a requirement, it does not translate the document. Moreover, Lee is directed to a software development tool and makes no mention of a client/server relationship and more specifically, fails to mention translating data within a server into a format required by the client as recited in claim 1. In addition, Lee sends data to a server, it does not translate data within the server as is required by claim 1. Lee also fails to mention a data format required by the client and therefore fails to teach translating data within a server into a data format required by a client using the translation code as recited in claim 1.

The Examiner also appears to equate reformatting the design database file into an XML document, as taught in Lee, with transmitting a change of the data format from the client to the server in a data object definition message as recited in claim 1. Office Action, page 4. Reformatting a database file is clearly not the same as transmitting a change of data format from the client to the server and Lee fails make such a disclosure. Thus, Lee also fails to disclose a data object definition message as recited in claim 1. In addition, Lee does not automatically adapt a translation code to the changed data format upon receipt of the data object definition message as required by claim 1.

Therefore, for at least these reasons, Lee fails to disclose each and every element of claim 1. More specifically, Lee fails to disclose “translating data within a server into a data format required by a client using the translation code, transmitting the translated data from the server to the client, transmitting a change of the data format from the client to the server in a data object definition message, and automatically adapting the translation code to the changed data format upon receipt of the data object definition message” as recited in claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over Lee.

Independent claims 23 and 45 include language similar to that provided in claim 1. For at least this reason, Applicants respectfully submit that claims 23 and 45 are patentable over the Lee as well. Claim 45 is also patentable for at least these additional reasons as well.

Claim 45 recites “a code generator, associated with a server, that provides the translation code and which includes a subcomponent that adapts the translation code

automatically to a change of data format upon receipt of a data object definition message.” As noted above, Lee fails to disclose translating data according to the methods of claims 1, 23, and 45. For at least this reason, Lee further fails to disclose “a code generator, associated with a server, that provides the translation code and which includes a subcomponent that adapts the translation code automatically to a change of data format upon receipt of a data object definition message” as recited in amended claim 45.

Lee also fails to disclose a translating means for translating data into a data format required by a client based on the translation code, and means for transmitting the translated data and the change of data format with the data object definition message from the server to the client” as recited in amended claim 45. Because Lee fails to disclose each and every element of claim 45, Applicants respectfully submit that claim 45 is patentable over Lee.

Dependent claims 2-6, 8-18, 20-22, 24-28, 30-40, 42-44, and 46-49 depend on at least one of independent claims 1, 23, and 45 and are patentable over Lee for at least the same reasons as independent claims 1, 23, and 45. Claims 2-6, 8-18, 20-22, 24-28, 30-40, 42-44, and 46-49 are also patentable over Lee for at least these additional reasons as well.

Claim 2 recites a “data object definition message [that] is automatically transmitted from the client to the server upon change of the data format within the client.” As noted above, Lee fails to disclose a data object definition message. Lee also fails to disclose automatically transmitting a data object definition message from the client to the server upon change of the data format within the client. For at least these

reasons, Lee fails to disclose each and every element of claim 2. Accordingly, Applicants respectfully submit that claim 2 is patentable over Lee. Claim 24 includes language similar to that provided in claim 2. For at least this reason, Applicants respectfully submit that claim 24 is patentable over Lee.

Claims 3-6, 8-10, and 25-32 each depend from either 2 or 24 and therefore are patentable for this additional reason as well.

### **Claim Rejections - 35 U.S.C. § 103(a)**

The Examiner rejected claims 7, 19, 29, and 41 under 35 U.S.C. §103(a) as being unpatentable over Lee in view of U.S. Patent Publication No. 2004/0010753 A1 ("Salter"). Applicants respectfully traverse the rejection.

To establish a prima facie case of obviousness, the MPEP and the case law requires that (1) the prior art references must teach or suggest all claimed elements, (2) there must be some reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed, and (3) there must be a reasonable expectation of success. *See MPEP § 2142 and USPTO Memorandum* from Margaret A. Focarino, Deputy Commissioner for Patent Operations, May 3, 2007, page 2. Applicants respectfully submit that the cited references fail to meet at least one of these requirements with regards to the rejected claims.

Claims 7, 19, 29, and 41 depend on at least one of independent claims 1 and 23 and dependent claims 2, 11, 24, and 33, and therefore are patentable over Lee for at least the same reasons as independent claims 1 and 23 and dependent claims 2, 11, 24, and 33.

### CONCLUSION

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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